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10/805,755	03/22/2004	Shinji Kuno	6639P011	1246

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EXAMINER	
UNELUS, ERNEST	
ART UNIT	PAPER NUMBER
2181	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/805,755	KUNO, SHINJI	
	Examiner	Art Unit	
	ERNEST UNELUS	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07/13/10*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,18-20,22-34,37 and 38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,18-20,22-34,37 and 38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

RESPONSE TO AMENDMENT

Claim rejections based on prior art

Applicant's arguments filed 07/13/2008 with respect to the rejection(s) of claim(s) 1-3, 18-20, 22-34, and 37-38 have been fully considered and are not persuasive.

With respect to page 7 of the applicant's remarks, please, see rejection to claims 1 and 28 below, which discloses, {As per **claim 28**, Salmonsen discloses "An apparatus **(device 300 of fig. 3, as discloses in paragraph 0053)** comprising: a communication bus **(the communication bus connected to processor 314; please note that a bus is defined as a "*A group of lines that serves as a connecting path for several devices is called bus*")**; a drive device **(media source 302 of fig. 3, as discloses in paragraph 0054, "the content source 302 can be an audio and/or video device subsystem such as a DVD drive, CD drive, or CD-ROM drive (CD-R, CD-RW)")**; a video terminal **(video display 360)**; a first processor **(processor 314, as discloses in paragraph 0060)** coupled to the communication bus **(see fig. 3)**, the first processor to (i) receive a first stream data **(media content, as discloses in paragraphs 0064-0068, which discloses the media content to be A/V data and to be transmitted over the bus)** including video data and audio data sent over the communication bus **(see paragraph 0074, which discloses, "Processor 314 may facilitate or assist decryption of received data" and paragraph 0080, which discloses, "processor 314, or other control functional element internal or external to the device 300 can convert the content to a format that is compatible with the device 300")** and (ii) decode the first stream data **(see paragraphs 0074 and 0080)**; and a second processor **(sink 304)** coupled to the drive device, the video terminal and the first

processor **(see fig. 3)**, the second processor being provided with a second stream data **(media content from media source 302)** including video data and audio data **(see paragraph 0068)** that is sent from the drive device without use of the communication bus **(see fig. 3 and paragraph 0068, which discloses the content moving from the source to the sink over bus 38 without being routed over the communication bus)**, the second processor to (i) decode the second stream data for reproducing the second stream data in accordance with an instruction sent from the first processor via the communication bus **(see paragraph 0073, which discloses "the emulator interface 306 can issue a command to the content source 302 to deliver a media element corresponding to the selected item to the content sink 304". See also paragraphs 0060 and 0074, which discloses processor 14 being responsible for content translation/decryption and main controller of emulator interface 306; therefore, the command discloses in paragraph 0073 comes from the processor, over the communication bus connected to the processor. Please note: the claim language does not discloses where the instruction is transmitted to. In other words, the claim language does not discloses whether the instruction is sent to the drive device or the second processor)** and (ii) display video signals, that are based on the decoded first stream data and transmitted by the first processor over a video bus **(bus 338)** separate from the communication bus **(see fig. 3)**, on the video terminal **(see paragraphs 0068, 0069, and 0074, which discloses to display a content received by the processor 14. see also paragraph 0080 for further detail)}.**

With respect to claims 22, 37, and 38, see col. 13, lines 9-14 of Higashida, the cited reference, which discloses a bus being a Peripheral Component interconnect (PCI).

With respect to claims 20 and 34, see paragraphs 0065 and 0070 of Salmonsen, which discloses the LAN controller 312 connected to a controller device through a 1394 bus. The claim's language discloses 'includes', instead of 'consists'. In other words, the 1394 processor is not required to be inside the control unit.

INFORMATION CONCERNING OATH/DECLARATION

Oath/Declaration

The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in **37 C.F.R. 1.63.**

INFORMATION CONCERNING DRAWINGS

Drawings

The applicant's drawings submitted are acceptable for examination purposes.

OBJECTIONS TO THE CLAIMS

Claim 19, is objected to as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The remaining claims 20, 24, and 25 are also objected by virtue of its dependencies on the independent claim.

As per **claim 19**, please remove the word 'the' in the preamble.

REJECTIONS BASED ON PRIOR ART

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 18-20, 23-25, and 28-34,** are rejected under 35 U.S.C. 102(e) as being anticipated by Salmonsen (US pub. 2007/0005334).

3. As per **claims 1 and 19**, Salmonsen discloses "An apparatus **(device 300 of fig. 3, as discloses in paragraph 0053)** comprising:

a drive device **(media source 302 of fig. 3, as discloses in paragraph 0054, "the content source 302 can be an audio and/or video device subsystem such as a DVD drive, CD drive, or CD-ROM drive (CD-R, CD-RW)")**;

a communication bus **(the communication bus connected to processor 314; please note that a bus is defined as a "*A group of lines that serves as a connecting path for several devices is called bus*")**;

a first processor **(processor 314, as discloses in paragraph 0060)** coupled to the communication bus **(see fig. 3)**, the first processor to (i) receive a first stream data **(media content, as discloses in paragraphs 0064-0068, which discloses the media content to be A/V data and to be transmitted over the bus)** including video data and audio data routed over the communication bus **(see paragraph 0074, which discloses, "Processor 314 may facilitate or assist decryption of received data" and paragraph 0080, which discloses, "processor 314, or other control functional element internal or external to the device 300 can convert the content to a format that is compatible with the device 300")** and (ii) decode the first stream data **(see paragraphs 0074 and 0080)**;

a second processor **(sink 304)** provided with a second stream data **(media content from media source 302)** including video data and audio data **(see paragraph 0068)** that is received from the drive device without being routed over the communication bus **(see fig. 3 and paragraph 0068, which discloses the content moving from the source to the sink over bus 38 without being routed over the communication bus)**, the second processor to decode the second stream data to reproduce the second stream data in accordance with an instruction sent from the first processor over the communication bus **(see paragraph 0073, which discloses "the emulator interface 306 can issue a command to the content source 302 to deliver a media element corresponding to the selected item to the content sink 304". See also paragraphs 0060 and 0074, which discloses processor 14 being responsible for content translation/decryption and main controller of emulator interface 306; therefore, the command discloses in paragraph 0073 comes from the processor, over the communication bus connected to the processor. Please note: the claim language does not discloses where**

the instruction is transmitted to. In other words, the claim language does not discloses whether the instruction is sent to the drive device or the second processor), and a network control unit **(LAN controller 312)** coupled to the communication bus **(see fig. 3)**, the network control unit to transmit the first stream data via the communication bus **(see fig. 3 and paragraph 0064).**

4. As per **claim 2**, Salmonsen discloses "The apparatus according to claim 1," **[See rejection to claim 1 above]**, "wherein the second processor is a stream processor" **(see paragraph 0055 and fig. 3).**

5. As per **claim 3**, Salmonsen discloses wherein the first processor is a central processing unit (CPU) **(see paragraph 0060)**.

6. As per **claim 18**, Salmonsen discloses wherein the drive device is a hard disk drive **(see paragraph 0054).**

7. As per **claims 20 and 34,** Salmonsen discloses wherein the control unit includes an IEEE 1394 processor **(see paragraphs 0065 and 0070, which discloses the LAN controller 312 connected to a controller device through a 1394 bus. The claim's language discloses 'includes', instead of 'consists'. In other words, the 1394 processor is not required to be inside the control unit).**

8. As per **claim 23**, Salmonsen further discloses a video bus **(338 of fig. 3)**; and a graphic controller **(controller 310)** in communication with the first processor and the second processor **(see fig. 3)**, the graphic controller to convert the decoded first stream data into display video signals and to transmit the display video signals to the second processor over the video bus **(see paragraph 0080, which discloses, "Otherwise, for incompatible content, the host computer 350, processor 314, or other control functional element internal or external to the device 300 can convert the content to a format that is compatible with the device 300")**.

9. As per **claims 24 and 29**, Salmonsen discloses wherein the second processor superposes the display video signals transmitted over the video bus on a video image generated from the decoded second stream data in accordance with display information transferred from the first processor to the second processor over the communication bus **(see claim 1 above and paragraphs 0073, 0074, and 0080).**

10. As per **claims 25 and 30**, Salmonsen discloses wherein the display information includes information designating a region in a drawing area and a transparency rate at the display video signals on a screen **(see paragraph 0069 and fig. 3)**.

11. As per **claim 28**, Salmonsen discloses "An apparatus **(device 300 of fig. 3, as discloses in paragraph 0053)** comprising: a communication bus **(the communication bus connected to processor 314; please note that a bus is defined as a "*A group of lines that serves as a connecting path for several devices is called bus*")**; a drive device **(media source 302 of fig. 3,**

as discloses in paragraph 0054, "the content source 302 can be an audio and/or video device subsystem such as a DVD drive, CD drive, or CD-ROM drive (CD-R, CD-RW)");
a video terminal **(video display 360)**; a first processor **(processor 314, as discloses in paragraph 0060)** coupled to the communication bus **(see fig. 3)**, the first processor to (i) receive a first stream data **(media content, as discloses in paragraphs 0064-0068, which discloses the media content to be A/V data and to be transmitted over the bus)** including video data and audio data sent over the communication bus **(see paragraph 0074, which discloses, "Processor 314 may facilitate or assist decryption of received data" and paragraph 0080, which discloses, "processor 314, or other control functional element internal or external to the device 300 can convert the content to a format that is compatible with the device 300")** and (ii) decode the first stream data **(see paragraphs 0074 and 0080)**; and a second processor **(sink 304)** coupled to the drive device, the video terminal and the first processor **(see fig. 3)**,
the second processor being provided with a second stream data **(media content from media source 302)** including video data and audio data **(see paragraph 0068)** that is sent from the drive device without use of the communication bus **(see fig. 3 and paragraph 0068, which discloses the content moving from the source to the sink over bus 38 without being routed over the communication bus)**, the second processor to (i) decode the second stream data for reproducing the second stream data in accordance with an instruction sent from the first processor via the communication bus **(see paragraph 0073, which discloses "the emulator interface 306 can issue a command to the content source 302 to deliver a media element corresponding to the selected item to the content sink 304". See also paragraphs 0060 and 0074, which discloses processor 14 being responsible for content translation/decryption and**

main controller of emulator interface 306; therefore, the command discloses in paragraph 0073 comes from the processor, over the communication bus connected to the processor. Please note: the claim language does not discloses where the instruction is transmitted to. In other words, the claim language does not discloses whether the instruction is sent to the drive device or the second processor) and (ii) display video signals, that are based on the decoded first stream data and transmitted by the first processor over a video bus **(bus 338)** separate from the communication bus **(see fig. 3)**, on the video terminal **(see paragraphs 0068, 0069, and 0074, which discloses to display a content received by the processor 14. see also paragraph 0080 for further detail)**.

12. As per **claim 31** Salmonsen discloses wherein the first stream data is received from a first source and the second stream of data is received from a second source different than the first source **(see fig. 3)**.

13. As per **claim 32** Salmonsen discloses wherein the first stream data is received via a connector being different than the second source being a drive device **(see fig. 3)**.

14. As per **claim 33** Salmonsen discloses wherein the first stream data is received from a source different than the drive device **(see fig. 3)**.

Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. **Claims 22, 26, 27, 37, 38,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmonsen (US pub. 2007/0005334) in view of Higashida et al. (US pat. 6,862,401).

17. As per **claims 22, 37, and 38**, Salmonsen discloses "The apparatus according to claim 1," **[See rejection to claim 1 above]**, but fails to specifically discloses wherein the communication bus is a Peripheral Component interconnect (PCI) bus.

Higashida discloses a communication bus **(the communication bus between the CPU 11 and the recording/reproducing control means 7 of fig. 2)** being a Peripheral Component interconnect (PCI) **(see col. 13, lines 9-14).**

Salmonsen (US pub. 2007/0005334) and Higashida et al. (US pat. 6,862,401) are analogous art because they are from the same field of endeavor of a recording device, such as a DVD player.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify a Digital Versatile Disc (DVD) player or DVD player/recorder as taught by Salmonsen and a recording apparatus includes a recording device which records audio visual data (hereinafter referred to as "AV data") on a recording medium as taught by Higashida.

The motivation for doing so would have been because Higashida teaches, "a portion of

the AV data already recorded on the recording medium can be accessed" (**see col. 13, lines 33-36**); in other words, the PCI bus allows someone to access a portion of the AV data already recorded on the recording medium.

Therefore, it would have been obvious to combine Higashida et al. (US pat. 6,862,401) with Salmonsen (US pub. 2007/0005334) for the benefit of creating the apparatus to obtain the invention as specified in claims 22, 37, and 38.

18. As per **claim 26**, the combination of Salmonsen and Higashida discloses "The apparatus according to claim 1," **[See rejection to claim 1 above]**, Higashida further discloses comprising: a television tuner **(STB 2, as discloses in col. 4, lines 9-18)** adapted to transmit a third stream data to the second processor for storage into a storage medium associated with the drive device **(see col. 4, lines 38-42, which discloses, "The recording/reproducing control means 7 is means which converts AV data which are outputted as an MPEG2 transport stream sent from the IEEE1394 I/F 6 into a recording format and records the data in the hard disk 8)**.

19. As per **claim 27**, the combination of Salmonsen and Higashida discloses "The apparatus according to claim 1," **[See rejection to claim 1 above]**, Higashida further discloses comprising: a television tuner **(STB 2, as discloses in col. 4, lines 9-18)**; and a transport stream bus **(bus 5)** coupled to the television tuner and the second processor, the transport stream bus enables transmission of the third stream data to the second processor without using the communication bus **(see fig. 2)**.

RELEVANT ART CITED BY THE EXAMINER

The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.05(c)**.

The following reference teaches an apparatus comprising; a communication bus; a drive device; a video terminal; a first and a second processor.

U.S. PATENT NUMBER

US 2002/0040475

CLOSING COMMENTS

Conclusion

a. STATUS OF CLAIMS IN THE APPLICATION

The following is a summary of the treatment and status of all claims in the application as recommended by **M.P.E.P. 707.07(i)**:

a(1) CLAIMS REJECTED IN THE APPLICATION

Per the instant office action, claims 1-3, 18-20, 22-34, and 37-38 have received a final action on the merits.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

b. DIRECTION OF FUTURE CORRESPONDENCES

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

IMPORTANT NOTE

If attempts to reach the above noted Examiner by telephone is unsuccessful, the Examiner's supervisor, Mr. Alford Kindred, can be reached at the following telephone number: Area Code (571) 272-4037.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Alford W. Kindred/
Supervisory Patent Examiner, Art Unit 2181

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